

REMARKS

Claims 2-7, 9-31, 33-35 and 37-43 are pending. Claims 9-21 are withdrawn from consideration. No amendments have been made by way of the present submission, thus, no new matter has been added. Additionally, no new issues have been raised which would require additional search and/or consideration on the part of the Examiner.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 2-7, 22-31, 33-35 and 37-43 under 35 U.S.C. § 103(a) as being obvious over Miller et al., USP 3,860,557 (hereinafter referred to as Miller '557). Applicants respectfully traverse this rejection.

The present claims define an invention which relates to an article comprising a coated substrate obtained by coating an uncoated substrate with a single layer of a powder coating composition. Importantly, the single layer is coated upon an uncoated substrate. This powder coating composition has very specific properties which allow it to be coated as a single layer having a visually homogeneous hue.

In contrast, Millar '557 fails to suggests or discloses the

coating of a single layer having a visually homogeneous hue on an uncoated substrate. This is not surprising since Millar '557 relates to a different type of coating than does the present invention.

Miller '557 discloses an electrostatic method of applying a multi-layered coating and products produced thereby. The multi-layered coating of Millar '557 is formed by applying (to a substrate) a composition containing two or more powders of non-conductive materials that have dielectric constants differing from each other by a factor of at least 0.1. After the composition of Millar '557 is applied to the substrate, stratified layers of different powders form due to the different dielectric constants (Millar '557 at column 3, lines 1-11 and 42-45).

In contrast, the presently claimed article comprises a coated substrate obtained by coating an uncoated substrate with a single layer of a powder coating composition. Therefore, the present claims do not encompass a multi-layered product such as that described by Millar '557.

Regardless of the above distinctions, the Examiner continues to reject the present claims based upon Millar '557. Applicants respectfully request that the Examiner carefully consider the following:

In the outstanding Office Action, the Examiner asserts that

Miller '557 discloses a coating of powder coating mixtures having different dielectric constant values, which form superimposed layers when applied by electrostatic coating methods. Applicants agree with this assertion. The Examiner also then states that a powder coating having two or more thermopolymers having similar dielectric constants and similar specific gravities would yield a single layer coating on an uncoated substrate. Applicants also agree with this statement since it is in fact the aim of the present invention.

However, Millar '557 fails to suggest or disclose using a powder coating having two or more thermopolymers having similar dielectric constants and similar specific gravities. This is not surprising since Millar '557 want to stratify the separate powder coatings into separate layers.

To clarify, Millar '557 neither discloses nor suggests forming a single layer as outlined in the present claims. The Examiner's assertion that "a powder coating mixtures of two or more specific material - e.g. two or more thermopolymers having quite similar dielectric constants and quite similar specific gravities would yield a single layer coating on an uncoated substrate" is a correct statement, but also a statement which finds no basis in the disclosure of Millar '557.

Accordingly, the Examiner has failed to present a valid prima facie case of obviousness. Reconsideration and withdrawal

of this rejection are therefore requested.

With respect to the "comprising" and "consisting essentially of" language, the Examiner asserts that claims using this language permit the presence of other coatings or layers. Applicants disagree and submit that each of these claims still require a coated substrate obtained by coating a single layer on an uncoated substrate. Such an article is not prepared according to Miller '557.

That is, regardless of whether the "comprising" language in the claims allow for the addition of subsequent outer layer, the first layer is only a single layer. Miller '557 contains no discussion of such an article.

In summary, Applicants submit that the present claims define subject matter that is patentable over Millar '557. That is, Millar '557 fails to suggest or disclose a coated substrate obtained by coating an uncoated substrate with a single layer. The entire disclosure of Miller '557 is directed to the formation of stratified layers. Thus, Miller '557 relates to a multi-layered coating comprising stratified layers of different powders which are formed due to different dielectric constants (see Miller '557 at column 3, lines 1-11 and 42-45). This is not the subject matter that Applicants are presently claiming. The Examiner is therefore requested to withdraw this rejection.

If the Examiner has any questions or comments, please contact

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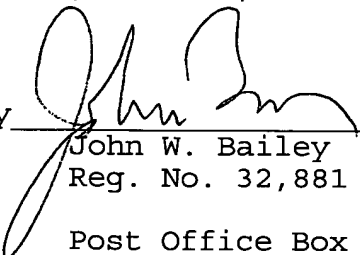
Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of one (1) month to July 10, 2003 in which to file a reply to the Office Action. The required fee of \$110.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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